

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14 CR 208 HEA (NAB)
)	
MARDELL MCGEE,)	
a/k/a Mardell Smith,)	
a/k/a Mardell McGee-Smith,)	
)	
Defendant.)	

**GOVERNMENT’S RESPONSE IN OPPOSITION
TO DEFENDANT’S MOTION TO DISMISS INDICTMENT**

COMES NOW the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and John M. Bodenhausen, Assistant United States Attorney for said District, and states the following in response and opposition to Defendant’s Motion to Dismiss Indictment (Doc. No. 30):

1. On June 25, 2014, the Grand Jury charged Mardell McGee (“McGee”) with mail fraud, arson in furtherance of mail fraud, and money laundering. According to the Indictment, the charges relate to an insurance fraud scheme in which McGee caused a residence at 926 Bayard Avenue, St. Louis, Missouri, to be substantially damaged by fire in late February 2012. Thereafter, McGee caused a false and fraudulent insurance claim to be submitted to State Farm Insurance. State Farm Insurance paid the claim and McGee pocketed the vast majority of the insurance proceeds.

2. On June 30, 2014, McGee was arrested on the charges at a home located at 2800 Redman Road, St. Louis County, Missouri. A detailed report of arrest was provided to the defense at arraignment.

3. At approximately 2:13 pm on June 30, 2014, McGee had his initial appearance before Magistrate Judge Noce. At that time, McGee represented to the Court that his residence was at 10236 Halls Ferry Road and provided only a single telephone number.

4. McGee has filed a motion to dismiss the indictment (Doc. No. 30) claiming that the arresting officers somehow tampered with two cell phones he allegedly owned and had stored at the Redman Road premises, and caused those phones to be erased. According to McGee, he had surreptitiously recorded his conversations with the investigators and those recordings were allegedly exculpatory and contradicted official agency reports.

5. McGee's allegations are entirely false and unsubstantiated. The investigators did not erase or cause to be erased any cellular telephones belonging to McGee or anyone else associated with this matter.

WHEREFORE, the government respectfully requests this Honorable Court to
OVERRULE and DENY McGee's Motion to Dismiss Indictment (Doc. No. 30).

Respectfully Submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ John M. Bodenhause
JOHN M. BODENHAUSEN
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on 11/14/14 the foregoing was filed electronically with the Clerk of the Court for service upon counsel for defendant –

Patrick Deaton

/s/ John M. Bodenhause
Assistant United States Attorney